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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
WINCHESTER DIVISION

**F I L E D**

2004 MAY 27 P 12:12

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
Plaintiff, )  
v. )  
BRIDGESTONE/FIRESTONE NORTH )  
AMERICAN TIRE, LLC )  
d/b/a BRIDGESTONE/FIRESTONE )  
Defendant. )  
  
COMPLAINT )  
Civil Action No.  
3:04-cv-242  
Varian/Guyton  
JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§2000 et seq. (Title VII) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a, to correct unlawful employment practices on the basis of sex and to provide appropriate relief to Shawn McBee and Heather Calvert, two female employees whom Defendant Employer subjected to sexual harassment.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The unlawful employment practices alleged below were committed within the jurisdiction of the United States District Court for the Eastern District of Tennessee, Winchester Division.

## PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is an agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Bridgestone /Firestone North American Tire, LLC, doing business as Bridgestone/Firestone, (Defendant Employer), has continuously been a Delaware corporation doing business in the State of Tennessee and the City of Morrison, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

## STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Shawn McBee and Heather Calvert filed charges with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least April 2002, Defendant Employer has engaged in unlawful employment practices at its Morrison, Tennessee, facility in violation of Section 703 of Title VII, 42 U.S.C. § 2000e-2 . In particular, Defendant Employer allowed male employees in the Tire Room to make comments of a sexual nature in the workplace, including on the radio, and to make drawings on material carts that displayed sexually offensive and degrading verbal comments and graffiti.

8. Heather Calvert, a female employee, has been employed by Defendant in the Tire Room of its facility in Morrison, Tennessee, since January 1999.

9. Shawn McBee, a female employee, has been employed by Defendant Employer in the Tire Room of its facility in Morrison, Tennessee, since April 2000.

10. More than 95 percent of the employees in the Tire Room at Defendant's Morrison facility are male employees.

11. During their employment, Ms. Calvert and Ms. McBee claim that male employees in the Tire Room have subjected them to a hostile work environment.

12. Ms. Calvert claims that since April 2002, she was subjected to frequent unwelcome and offensive sexual conduct by her male co-workers. Much of this conduct consisted of comments made over the workplace radio on a daily basis. Some comments were made in staff meetings. She also claims that these same male employees made sexually explicit drawings on the material carts and wrote graphic and degrading verbal comments about her and Shawn McBee and other co-workers on the material carts.

13. Ms. McBee alleges that since April 2002, she was subjected to frequent unwelcome sexual comments on the radio by her male co-workers. She also claims that these same male employees made sexually explicit drawings on the material carts and wrote graphic and degrading verbal comments about her and Shawn McBee.

14. Heather Calvert and Shawn McBee claim that the unwelcome conduct was sufficiently pervasive and severe to alter the conditions of their employment and create an abusive working environment.

15. Ms. McBee asserts that she complained on numerous occasions to her supervisors and management, in accordance with the Sexual Harassment Policy, about the

sexually offensive comments being made in the workplace and the drawings and other graphic comments depicted on material carts. Her complaints proved ineffective.

16. Ms. Calvert asserts that she complained to management and her complaints were ineffective. Later, she complained to the Labor Relations Manager.

17. After Ms. Calvert complained to the Labor Relations Manager, an investigation occurred, but the conduct resumed in the workplace .

18. Heather Calvert and Shawn McBee were familiar with Defendant Employer's Sexual Harassment Policy as it was distributed in the workplace.

19. Defendant Employer's Sexual Harassment Policy is ineffective because sexual harassment has continued in the workplace even after Heather Calvert and Shawn McBee complained to management and an investigation occurred.

20. The effect of the practices complained of above has been to deprive Shawn McBee and Heather Calvert of equal employment opportunities and otherwise adversely affect their status as employees because of their sex.

21. The unlawful employment practices complained of above were intentional.

22. The unlawful employment practices complained of above were done with malice or with reckless indifference to the federally protected rights of Heather Calvert and Shawn McBee.

#### PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer its officers, successors, assigns, and all persons in active concert or participation with it, from any employment practice which discriminates against employees because of their sex.

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for women and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Heather Calvert and Shawn McBee by providing all affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Defendant Employer to make whole Heather Calvert and Shawn McBee by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above in amounts to be determined at trial.

E. Order Defendant Employer to make whole Heather Calvert and Shawn McBee by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in the paragraphs above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendant Employer to pay Heather Calvert and Shawn McBee punitive damages for its malicious and reckless conduct described in the paragraphs above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

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